

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JARED PETER SMIDT and LAURA BETH  
RIDEOUT-SMIDT, and the marital community  
comprised thereof, individually and on behalf of  
BROTHERS NORTHWEST INVESTMENTS,  
INC. and BROTHERS NORTHWEST HOMES,  
LLC.,

Plaintiffs,

vs.

GEOFF MCPHERSON and ROSIE  
MCPHERSON, and the marital community  
comprised thereof; MCPHERSON  
DEVELOPMENT GROUP, LLC.; VERONICA  
SHAKOTKO and WILLIAM "BILL"  
SHAKOTKO, and the marital community  
comprised thereof; MAHER INGELS  
SHAKOTKO CHRISTENSEN, LLP, a  
Washington Limited Liability Partnership;  
BRUCE SCHMIDT and KRISTI SCHMIDT, and  
the marital community comprised thereof,

Defendants.

NO. 3:09-cv-05318-RBL

JOINT STATUS REPORT &  
DISCOVERY PLAN

Pursuant to the Minute Order Regarding Initial Disclosures, Joint Status Report,  
and Early Settlement, dated July 17, 2009, the parties in this matter submit the following

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Joint Status Report and Discovery Plan:

JOINT STATUS REPORT & DISCOVERY PLAN - 1

LAW OFFICES OF ROBERT B. GOULD  
2110 North Pacific St., Suite 100  
Seattle, WA 98103-9181  
(206) 633-4442 (Phone)  
(206) 633-4443 (Fax)

## 1           1.       STATEMENT OF THE NATURE AND COMPLEXITY OF THE CASE:

## 2           (a)       Statement of the nature of the case [all parties]:

3           This is an action to recover monies unaccounted for; to dissolve business entities;  
 4           and legal malpractice claims against the defendant lawyer and law firm. The plaintiffs  
 5           believe that the individual defendants, Bruce and Rosie McPherson and Bruce and Kristi  
 6           Schmidt, have not accounted for monies used and held and that the company should be  
 7           dissolved. The defendants deny all allegations but defendants McPherson and Schmidt  
 8           agree that the businesses should be dissolved. Defendant Maher Ingels Shakotko  
 9           Christensen, LLP and defendants Shakotko do not take a position on dissolution.

## 10           (b)       Complexity of the case:

11                   i.       Plaintiffs: There are a large number of business transactions which  
 12           have not been accounted for and each and every one of them needs to be addressed in  
 13           detail. It is the plaintiff's view that, while the number of transactions are high, the  
 14           complexity is not intrinsically complex nor is the legal malpractice case complex.

15                   ii.       Defendants Shakotko and defendant Maher Ingels Shakotko  
 16           Christensen, LLP : The underlying transactions are sufficiently complex and/or poorly  
 17           documented that it may not be possible to unravel them with certainty. While the claims  
 18           arising out of those transactions are not of themselves complex, the underlying record  
 19           may render these claims difficult to litigate.

20                   iii.       Defendant McPhersons: There is a lot of complexity in this matter  
 21           and we simply ran out of money.

22                   iv.       Defendant Schmidts: This case is very complex.

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## 24           2.       RESULTS OF THE FRCP 26(f) CONFERENCE:

1           3.       PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES:

2                   i.       Plaintiff and defendant Maher Ingels Shakotko Christensen, LLP  
3 and defendants Shakotko : Suggest December 28, 2009.

4                   ii.       Defendants McPhersons and Schmidts: We are attempting to get  
5 money to retain an attorney in the "next couple of months".  
6

7           4.       ADR

8           All parties agree that mediation should take place before an attorney on the Local  
9 Rule 39.1 list who is mutually approved by all parties .  
10

11           5.       WHEN ADR SHOULD TAKE PLACE:

12                   i.       Plaintiffs: Need the depositions of both individual defendants  
13 Geoff McPherson and Bruce Schmidt and all their documents as a condition precedent to  
14 an effective ADR;

15                   ii.       Defendants Maher Ingels Shakotko Christensen, LLP and  
16 defendants Shakotko need to obtain more discovery before they will be ready for  
17 mediation and for there to be any realistic likelihood of resolution. They provisionally  
18 suggest this should take place by March 31, 2010 subject to a right to request an  
19 extension if additional discovery is required or if discovery has been provided late.  
20

21                   iii.       Defendants McPhersons and Schmidts: Need money to obtain  
22 attorneys.

23           6.       PROPOSED DISCOVERY PLAN:

24           (a)       FRCP 26(f) conference took place on September 1, 2009 by telephone.

25                   i.       Plaintiffs Initial Disclosures by October, 2009.  
26  
27

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1                   ii.       Defendant Maher Ingels Shakotko Christensen, LLP and  
2 defendants Shakotko will endeavor to be ready to exchange initial disclosures by October  
3 8, 2009 which is the date required by the court's minute order. They would prefer this  
4 date to be extended to October 15, 2009.

5  
6                   iii.       Defendants McPherson and Schmidt require more time.

7           (b)    i.       Plaintiffs and Defendants Shakotko and law firm: Discovery will  
8 be taken on plaintiffs' liability and damages claims, and the affirmative defenses of the  
9 defendants.

10                   ii.       Defendants McPhersons and Schmidts: No opinion.

11           (c)    The parties have no suggestions for modifying the discovery procedures  
12 set forth in the Federal Rules and the Local Rules.

13  
14           (d)    i.       Plaintiffs: Are willing to take what reasonable steps may be  
15 necessary to minimize expenses and to exchange documents informally as long as it is  
16 mutual and complete.

17                   ii.       Defendant Shakotko and law firm have no suggestions for  
18 minimizing discovery expenses but are willing to consider any reasonable proposals from  
19 other parties.

20                   iii.       Defendants McPhersons and Schmidts: No opinion.

21           (e)    Discovery orders under Fed. R. Civ. P. 26(c) and settlement orders  
22 under Local Rule 16(b) and (c) do not appear to be necessary.

23  
24  
25           7.       DATE DISCOVERY COMPLETED:

26           (1057924.DOC) The parties anticipate that discovery will be completed by September 30, 2010.

1 8. The parties agree that proceedings should not be conducted before Magistrate Judge Stronbom.

2 9. The parties agree that the trial should not be bifurcated.

3 10. No [All parties agree]. The parties shall comply with local rule CR 16  
4 regarding the exchange of pretrial statements and the filing of a pretrial order.

5 11. SUGGESTIONS FOR SHORTENING OR SIMPLIFYING THE CASE:

6 i. Plaintiffs: Close observation of the letter and, most importantly,  
7 the spirit of the rules to get full disclosure of all of the transactions and the money trail at  
8 the beginning and initial disclosures as opposed to having to hunt down all of the details  
9 of all of the transactions which in the view of the plaintiff, the individual defendants have  
10 the burden to do.

11 ii. Defendants Shakotko and defendant Maher Ingels Shakotko  
12 Christensen, LLP : None.

13 iii. Defendants McPhersons and Schmidts: No opinions.

14 12. WHEN CASE WILL BE READY FOR TRIAL:

15 i. Plaintiffs: Anytime in October, 2010 or November, 2010.

16 ii. Defendant Shakotko and defendant Maher Ingels Shakotko  
17 Christensen, LLP request a November, 2010 trial date.

18 iii. Defendants McPhersons and Schmidts: Dependant on the  
19 attorney's schedule but, subject to that schedule, November, 2010.

20 13. JURY OR NON-JURY

21 i. Plaintiff: Non – Jury [Plaintiffs demanded jury in the bankruptcy  
22 adversary proceedings, however, plaintiffs are willing to waive that jury demand in these  
23 proceedings].  
24 proceedings].  
25  
26  
27

1                   ii.       Defendants Shakotko and defendant Maher Ingels Shakotko  
2 Christensen, LLP: Non-Jury.

3                   iii.       Defendants McPhersons and Schmidts: Non-Jury.

4  
5       14.       NUMBER OF TRIAL DAYS REQUIRED:

6                   i.       Plaintiff: Assuming full disclosure, require 8-10 trial days.

7                   ii.       Defendants Shakotko and defendant Maher Ingels Shakotko  
8 Christensen, LLP : Require 7-10 trial days.

9                   iii.       Defendants McPhersons and Schmidts: No opinion.

10       15.       COMPLICATIONS TO CONSIDER WHEN SETTING TRIAL DATE:

11                   i.       Plaintiff: Plaintiffs' attorney is not available to try the case in June  
12 and July, 2010. Plaintiff's attorney has a scheduled trial on August 30, 2010, King  
13 County Superior Court cause number: 09-2-12734-4 SEA (Slater v. Koch, et al.)

14                   ii.       Defendants Shakotko and defendant Maher Ingels Shakotko  
15 Christensen, LLP: Defendants' attorneys have trial dates on September 27, 2010,  
16 October 4, 2010, October 25, 2010 and December 13, 2010. They do not believe that the  
17 case will be ready for trial before November, 2010 and request a trial date in that month.  
18

19                   iii.       Defendants McPhersons and Schmidts: dependant on attorneys  
20 schedule.  
21

22       16.       Trial counsel are as follows:

23                   Counsel for Plaintiffs Jared Peter Smidt and Laura Beth Rideout-Smidt is  
24 Robert B. Gould of The Law Offices of Robert B. Gould, 2110 North Pacific Street,  
25 Ste. 100, Seattle, WA 98103, Telephone: 206-633-4442, Facsimile: 206-633-4443,  
26 Email: [rbgould@nwlegalmal.com](mailto:rbgould@nwlegalmal.com).

Counsel for Defendants Veronica Shakotko and Maher Ingles Shakotko Christensen, LLP are Sam B. Franklin and Rosemary J. Moore of Lee Smart, 701 Pike Street, Suite 1800, Seattle, WA 98101, Telephone: 206-624-7990, Facsimile: 206-624-5944, Email: [sbf@leesmart.com](mailto:sbf@leesmart.com) and [rjm@leesmart.com](mailto:rjm@leesmart.com).

Defendants Bruce and Kristi Schmidt are currently Pro Se with last known address of 2517 199th Avenue Ct. E., Lake Tapps, WA 98391. Defendants Schmidt plan to retain counsel.

Defendants Geoff and Rosie McPherson and McPherson Development Group, LLC are currently Pro Se with a last known address of 330 E. 91st Street, Tacoma, WA 98445. Defendants McPherson plan to retain counsel.

17. The parties do not request a scheduling conference.

DATED this 1 day of ~~September~~ <sup>October 1996</sup>, 2009.

LAW OFFICES OF ROBERT B. GOULD

By: 

Robert B. Gould, WSBA # 4353  
Attorney for Plaintiffs

LEE SMART PS, INC.

By: 

Sam B. Franklin, WSBA # 1903  
Rosemary J. Moore, WSBA #28650  
Attorney for defendants Veronica Shakotko  
and William "Bill" Shakotko, husband and  
wife, and Maher Ingels Shakotko  
Christensen, LLP

MCPHERSON DEVELOPMENT GROUP, LLC

By: \_\_\_\_\_

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Defendant, By: Geoff McPherson, registered  
agent

By: \_\_\_\_\_  
Geoff McPherson, defendant, *Pro Se*

By: \_\_\_\_\_  
Rosie McPherson, defendant, *Pro Se*

By: \_\_\_\_\_  
Bruce Schmidt, defendant, *Pro Se*

By: \_\_\_\_\_  
Kristi Schmidt, defendant, *Pro Se*

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